

ESTTA Tracking number: **ESTTA27848**

Filing date: **03/09/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding</b>	91161817
<b>Party</b>	Plaintiff Nextel Communications, Inc.  ,
<b>Correspondence Address</b>	John L. Stewart, Jr. Crowell & Moring, LLP P.O. Box 14300 Washington, DC 20004-4300  jstewart@crowell.com
<b>Submission</b>	Stipulated/Consent Motion to Extend
<b>Filer's Name</b>	John I. Stewart, Jr.
<b>Filer's e-mail</b>	jstewart@crowell.com
<b>Signature</b>	/John I. Stewart, Jr./
<b>Date</b>	03/09/2005
<b>Attachments</b>	Stipulated Motion to Extend Discovery and Testimony Periods.pdf ( 5 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE**  
**THE TRADEMARK TRIAL AND APPEAL BOARD**

NEXTEL COMMUNICATIONS, INC.,	)	
	)	
Opposer,	)	
	)	Opp. No.: 91/161,817
v.	)	App. No.: 78/235,618
	)	Pot. Mark: SENSORY MARK
MOTOROLA, INC.,	)	(911 Hz tone)
	)	
Applicant.	)	
	)	

**STIPULATED MOTION TO EXTEND DISCOVERY AND TESTIMONY**  
**PERIODS**

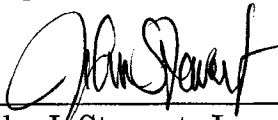
In accordance with 37 C.F.R. § 2.120(a) and Trademark Trial and Appeal Board Manual of Procedure Rule 403.04, Applicant and Opposer (“the parties”) hereby submit this stipulated motion to extend the current discovery and testimony periods in Opposition No. 91/161,817. Subject to approval of the stipulated motion by the Board, the proposed new close of the discovery period and related testimony periods are as follows:

DISCOVERY PERIOD TO CLOSE:	<b>June 13, 2005</b>
30-day testimony period for party in position of plaintiff to close:	<b>September 9, 2005</b>
30-day testimony period for party in position of defendant to close:	<b>October 10, 2005</b>
15-day rebuttal testimony period for plaintiff to close:	<b>November 23, 2005</b>

Attached hereto is a proposed Board order regarding the foregoing dates.  
The parties hereby respectfully request that the Board GRANT the instant stipulated motion and set the dates for close of discovery and related testimony periods in Opposition No. 91/161,817 as set forth in this motion and the attached proposed Board order.

Respectfully,

March 9, 2005




John I. Stewart, Jr.  
Attorney for Opposer

**CROWELL & MORING LLP**  
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and

March 9, 2005

  
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Attorney for Applicant

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: \_\_\_\_\_

Opposition No.: 91/161,817  
Serial No.: 78/235,618

Nextel Communications, Inc.

v.

Motorola, Inc.

By the Board:

The parties to this opposition submitted a stipulated motion to extend the discovery and testimony periods for this opposition, subject to approval by the Board. The Board hereby grants the stipulated motion and resets the discovery and testimony periods as follows:

DISCOVERY PERIOD TO CLOSE: **June 13, 2005**

30-day testimony period for party  
in position of plaintiff to close: **September 9, 2005**

30-day testimony period for party  
in position of defendant to close: **October 10, 2005**

15-day rebuttal testimony period  
for plaintiff to close: **November 23, 2005**

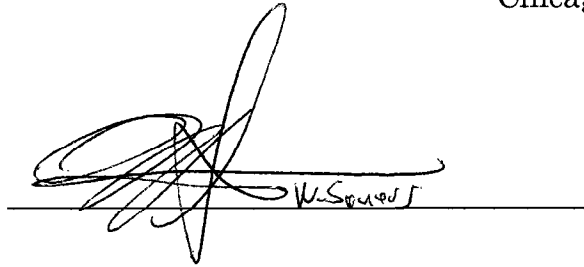
In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the STIPULATED MOTION TO EXTEND  
DISCOVERY AND TESTIMONY PERIODS was served on counsel for the  
Applicant, this 9<sup>th</sup> day of March, 2005, by sending same via First Class Mail,  
postage prepaid, to:

John T. Gabrielides  
BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610

A handwritten signature in black ink, appearing to read "J. Gabrielides", is written over a horizontal line. The signature is stylized with a large, looping initial "J" and a long horizontal stroke extending to the right.